

Condensed Transcript
Testimony of:

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Anthony J. Pipito v. Lower Bucks County Joint Municipal Authority, et al.

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1 MR. JONES: I'm going to give you 2 the same instructions. You're going 3 to definitely have to allow him to 4 finish asking his question before you 5 start to respond. I think the record 6 is going to be tough otherwise. 7 THE WITNESS: Okay. 8 BY MR. WEINSTEIN: 9 Q. Sir, your position with the Authority 10 is managing director? 11 A. Correct. 12 Q. And do you have a contract for a 13 particular number of years? 14 A. Yes, I do. 15 Q. How long does your present contract 16 run? 17 A. Next year. 18 Q. Until 2020? 19 A. Yes. 20 Q. The Authority has a Board of 21 Directors? 22 A. Correct. 23 Q. How many people are on the Board of 24 Directors?	5	1 Q. Yes, sir. 2 A. Right now, Mr. Joe Glassen. 3 Q. Is it S2A Technologies? 4 A. Yes. 5 Q. Did I say that right? 6 A. S2A Technologies, Inc. 7 Q. Is that incorporated in Pennsylvania? 8 A. Correct. 9 Q. Are you a shareholder? 10 A. No. 11 Q. Is your wife a shareholder? 12 A. She's the one, yes. 13 Q. Is she the only shareholder of the 14 company? 15 A. Correct. 16 Q. And does the company have Articles of 17 Incorporation, do you know? 18 A. Yes. 19 Q. And does the company have bylaws? 20 A. I believe so. That's my wife, my 21 wife's company so -- 22 Q. Are there employees of the company? 23 A. Not that I know of. 24 Q. Presently, does S2A Technologies have	7
1 A. Six. 2 Q. And those six are apportioned between 3 two municipalities? 4 A. Correct. 5 Q. Those two municipalities are? 6 A. Bristol Township and Tullytown 7 Borough. 8 Q. Sir, you live in Langhorne; is that 9 right? 10 A. Correct. 11 Q. Your residential address? 12 [REDACTED] 13 [REDACTED] 14 Q. And your wife's name? 15 A. Saroj Rajput. 16 Q. Spell that, please. 17 A. S-A-R-O-J. 18 Q. Sir, am I right that Bristol Township 19 appoints three to the board and Tullytown 20 Borough appoints three to the board? 21 A. Correct. 22 Q. Who is the president of the board, if 23 anyone? 24 A. Right now?	6	1 any agreements or contracts with the Authority? 2 A. No. 3 Q. And at what periods of time, if any, 4 did the company, S2A Technologies, have 5 contracts or agreements with the Authority? 6 A. To the best of my knowledge, it never 7 had any contract with Authority. 8 Q. Has the Authority ever paid any money 9 to S2A Technologies? 10 A. Yes. 11 Q. And during what period of time? 12 A. That's depend when the student take 13 the classes, so at that time, you know, 14 whatever the fees is, then Authority pays for 15 students who take the class. 16 Q. When's the last time there have been 17 classes provided by S2A Technologies at the 18 Authority? 19 A. I don't remember. Maybe sometime 20 once a year, sometimes twice a year. I don't 21 remember exactly when was the last. I think it 22 was during last year, if I can remember 23 correctly. I don't remember exactly. 24 Q. Do you do the teaching for the	8

<p style="text-align: center;">9</p> <p>1 company? 2 A. Yes, I do the teaching. 3 Q. When I say teaching for the company, 4 I mean teaching for S2A? 5 A. As instructor, actually, I consult 6 S2A as an instructor. Because, you know, the 7 company is approved by the DEP to provide 8 certified courses, courses to the operators, 9 and I'm the qualified instructor. 10 MR. JONES: Just make sure to 11 answer his questions. He'll get to 12 where you're going. 13 BY MR. WEINSTEIN: 14 Q. And courses to what operators, you 15 mean wastewater operators? 16 A. Both, water and wastewater. 17 Q. The DEP has certified the company? 18 A. Yes, me as instructor. I'm the 19 instructor, yeah. 20 Q. You're certified as an instructor? 21 A. Qualified, yeah. 22 Q. Qualified as an instructor by DEP? 23 A. Correct. 24 Q. And sir, does your wife have any</p>	<p style="text-align: center;">11</p> <p>1 A. No. 2 Q. -- to do any of the teaching? 3 A. No, I don't get paid. 4 Q. And S2A Technologies gets paid by the 5 Authority for putting on these courses? 6 A. Those who take the courses. 7 Sometimes they may take courses, sometimes they 8 not take courses. So any students who takes 9 the courses, then whatever the fees is, the 10 Authority pays. 11 Q. So the Authority does pay money to 12 S2A directly? 13 A. Correct. 14 Q. And are those payments authorized at 15 each board meeting or at a particular board 16 meeting every year? 17 MR. JONES: Objection to form. 18 THE WITNESS: Yeah, they are 19 authorized. I mean, they have to be 20 approved by the board as a part of 21 the payment. 22 BY MR. WEINSTEIN: 23 Q. Where do you provide the instruction? 24 A. Yeah, we have been providing the</p>
<p style="text-align: center;">10</p> <p>1 certifications or education in this field of 2 water and wastewater operations? 3 MR. JONES: Objection to form. 4 THE WITNESS: She has 5 undergraduate and master degree. 6 BY MR. WEINSTEIN: 7 Q. In what? 8 A. She has biology undergraduate and 9 also Bachelor of Education. Then she has a 10 master's in hydrobiology and botany. 11 Q. Is she employed anywhere? 12 A. She's not employed currently. 13 Q. When's the last time she has been 14 employed? 15 A. She had her own business. Also, she 16 used to have a store. 17 Q. What kind of store was it? 18 A. It was like convenient store, check 19 cashing. 20 Q. A check cashing store? 21 A. Check cashing convenient type of 22 store. 23 Q. Do you get paid by S2A 24 Technologies --</p>	<p style="text-align: center;">12</p> <p>1 instruction there all 15 years at the 2 Authority's water plant. They have a 3 (unintelligible) so that has been used ever 4 since. 5 Q. This has been going on for about 15 6 years, if I heard you right? 7 A. Approximately over 15 years. 8 Q. And if you look at calendar year 9 2018, what was the total payments made -- 10 A. I don't know. 11 Q. -- to S2A Technologies from the 12 Authority? 13 MR. JONES: Dr. Rajput, you need 14 to slow down, let him finish his 15 question and then give your response. 16 Okay? 17 THE WITNESS: Sorry. 18 Can you repeat the question? 19 BY MR. WEINSTEIN: 20 Q. For 2018, the total payments from the 21 Authority to S2A Technologies? 22 A. I don't know. 23 MR. JONES: What was the 24 question? Can you rephrase the</p>

<p>1 question? He interjected with an 2 answer. What were you asking? 3 BY MR. WEINSTEIN: 4 Q. For 2018, total payments made from 5 the Authority to S2A Technologies? 6 MR. JONES: Are you able to tell 7 him? 8 THE WITNESS: No, I don't know. 9 MR. JONES: Just let him finish 10 asking his question. Because you 11 don't know what he's going to ask. 12 He might say something completely 13 different at the end. You want to 14 make sure you're being responsive. 15 BY MR. WEINSTEIN: 16 Q. Does S2A Technologies provide 17 training or courses to people outside of the 18 Authority? 19 A. Yes, whoever want to take the 20 courses, you know. 21 Q. In 2018, for example, did you do any 22 teaching anywhere aside from the Authority? 23 A. No, not that I remember. 24 Q. Let's move on. Let me show you a</p>	<p>13</p> <p>1 Q. Did you have any assistance in 2 preparing this memo? 3 MR. JONES: Objection to form. 4 THE WITNESS: No, I prepare and I 5 went and gave to it Mr. Downing to 6 review it before I gave it to him. 7 BY MR. WEINSTEIN: 8 Q. Did you give it to anyone else to 9 look at for their input aside from Mr. Downey? 10 A. It might have been my secretary to 11 proof it; my secretaries or my staff people I 12 might have given to proof it. 13 Q. And who would that have been? 14 A. That might have been Colleen Dunn. I 15 don't remember how many -- this is a while 16 back, but it's in our practice in the office to 17 give to it my secretaries or whoever it is in 18 the staff to review and proof it. 19 Q. Is Colleen Dunn your secretary? 20 A. No, she's the finance manager. 21 Q. Do you have a secretary? 22 A. Yes. 23 Q. Who is that? 24 A. I have a couple of them. Basically,</p>
<p>14</p> <p>1 document that has been marked earlier in this 2 case. The document is stamped LBCJMA 5. It 3 was introduced into Mr. Pipito's deposition as 4 Pipito-11. 5 Do you have that in front of you, 6 sir? 7 A. Yes, sir. 8 Q. Tell me when you have had a chance to 9 take a look at it. 10 A. Yeah. 11 Q. Sir, did you prepare this memo? 12 A. Yes. 13 Q. And did you physically give it to 14 Mr. Pipito? 15 A. I -- I put -- 16 MR. JONES: Objection. 17 THE WITNESS: I put in it 18 interoffice mail. 19 BY MR. WEINSTEIN: 20 Q. So you didn't physically hand it to 21 him; you put it into the interoffice mail? 22 A. Yeah, not that I recall. 23 Q. You're not sure? 24 A. I don't recall giving him.</p>	<p>14</p> <p>1 Authority is like, we have -- all of them are 2 my secretaries in a way because I'm the 3 managing director so everybody reports to me. 4 MR. JONES: Just try to answer 5 his question. He wants to know who 6 are your other secretaries? Can you 7 identify any of those other people? 8 THE WITNESS: Yeah, Debbie Magro. 9 She's administration and then 10 Jennifer Smythe is the front office. 11 MR. JONES: How do you spell 12 Debbie's last name? 13 THE WITNESS: Magro, M-A-G-R-O. 14 BY MR. WEINSTEIN: 15 Q. For this memo, did you type it up 16 yourself? 17 A. Yes. 18 Q. And did you write it out by hand 19 first? 20 A. No, I type it up. 21 Q. Were there any prior versions of this 22 memo? 23 A. This is the one I have. 24 Q. Any prior versions that you wrote up</p>

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<p style="text-align: right;">17</p> <p>1 first that later became this final one?</p> <p>2 A. I don't understand your question,</p> <p>3 what you're trying to ask me.</p> <p>4 Q. Were there any earlier drafts of this</p> <p>5 document LBCJMA 5 that you wrote up before this</p> <p>6 one which you signed?</p> <p>7 A. No, I work on the computer, so that's</p> <p>8 the one, my working copy, as well as my final</p> <p>9 copy.</p> <p>10 Q. After you submitted your working copy</p> <p>11 to Mr. Downey, did you make any changes to it?</p> <p>12 A. No, not after Mr. Downey tells okay,</p> <p>13 then I gave it to him.</p> <p>14 Q. So you didn't make any changes to it</p> <p>15 based on what Mr. Downey told you?</p> <p>16 A. I don't understand what you're</p> <p>17 asking.</p> <p>18 Q. There were no changes that Mr. Downey</p> <p>19 had you make to this document?</p> <p>20 A. Yeah, I sent it to Mr. Downey for the</p> <p>21 review, and he told that it's fine, and as soon</p> <p>22 as he send me it's fine, I sent it to -- I gave</p> <p>23 it to him.</p> <p>24 Q. What about after you sent to it</p>	<p style="text-align: right;">19</p> <p>1 A. Correct.</p> <p>2 Q. I understand that.</p> <p>3 A. Uh-huh.</p> <p>4 Q. My question to you is, did you talk</p> <p>5 with Mr. Downey by telephone as well about the</p> <p>6 memo?</p> <p>7 A. I might have. I mean, I don't keep</p> <p>8 the notes when I talk to him. He's solicitor,</p> <p>9 so I always -- when there's an issue, I always</p> <p>10 talk to him. So it is possible that I might</p> <p>11 have talked to him on the phone but I don't</p> <p>12 have any recall telling when I talked to him.</p> <p>13 Q. So you have no recollection one way</p> <p>14 or the other as to whether you spoke with Mr.</p> <p>15 Downey about the memo --</p> <p>16 A. Yeah, I don't --</p> <p>17 Q. -- before it being issued?</p> <p>18 A. Yeah, I don't remember, you know,</p> <p>19 that I talked to him or not. But it's possible</p> <p>20 that I might have talked to him also on the</p> <p>21 phone that I'm sending you the memo for you to</p> <p>22 review, follow up with the email.</p> <p>23 MR. JONES: I just want to make a</p> <p>24 statement for the record regarding</p>
<p style="text-align: right;">18</p> <p>1 anyone else, did anyone else come back with you</p> <p>2 with changes to the memo?</p> <p>3 A. Not that I recall.</p> <p>4 Q. So the way you originally drafted it</p> <p>5 is the way it went to Pipito?</p> <p>6 A. Yeah. I might have worked it up</p> <p>7 myself, you know, the copy when you are trying</p> <p>8 to finalize, I work on it and work on it. This</p> <p>9 is the final product.</p> <p>10 Q. Prior to you issuing this memo, did</p> <p>11 you have any phone calls with Mr. Downey?</p> <p>12 A. Not that I recall. I might have told</p> <p>13 him I'm sending the memo, but I don't recall</p> <p>14 talking to him on the phone. I sent him the</p> <p>15 email.</p> <p>16 MR. JONES: Can you clarify,</p> <p>17 you're talking about phone calls</p> <p>18 regarding the memo?</p> <p>19 BY MR. WEINSTEIN:</p> <p>20 Q. Yes. I understand from your</p> <p>21 testimony that you emailed the draft of the</p> <p>22 memo --</p> <p>23 A. Uh-huh.</p> <p>24 Q. -- over to Mr. Downey?</p>	<p style="text-align: right;">20</p> <p>1 privilege just so it's clear.</p> <p>2 Mr. Weinstein and I spoke</p> <p>3 regarding otherwise privileged</p> <p>4 communications between Dr. Rajput and</p> <p>5 the Authority with Mr. Downey as the</p> <p>6 Authority's solicitor and that we</p> <p>7 came to an agreement for purposes of</p> <p>8 this deposition that communications</p> <p>9 directly related to Mr. Downey's</p> <p>10 review and approval or any</p> <p>11 involvement in preparing the memo</p> <p>12 could be subject to discovery because</p> <p>13 the Authority is taking the position</p> <p>14 that that is evidence in support of</p> <p>15 their defense and qualified immunity.</p> <p>16 However, we are maintaining any</p> <p>17 objections to any other privileged</p> <p>18 communications that may have taken</p> <p>19 place between the Authority, Dr.</p> <p>20 Rajput and Attorney Downey not</p> <p>21 relating to that topic and do not</p> <p>22 waive privilege with regard to those</p> <p>23 matters.</p> <p>24 BY MR. WEINSTEIN:</p>

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<p style="text-align: right;">21</p> <p>1 Q. Sir, do you normally keep notes of 2 telephone calls with Mr. Downey?</p> <p>3 A. No.</p> <p>4 Q. Do you know whether Colleen Dunn 5 maintains any notes regarding phone calls with 6 Mr. Downey?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you know whether anyone at the 9 Authority maintains notes --</p> <p>10 A. I don't know.</p> <p>11 Q. -- pertaining to discussions with 12 Mr. Downey?</p> <p>13 A. I don't know.</p> <p>14 Q. When you were writing this memo, did 15 you have any concerns as to whether it might 16 restrict Mr. Pipito's right to speak?</p> <p>17 MR. JONES: Objection to form.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MR. WEINSTEIN:</p> <p>20 Q. Did you consider including anything 21 in this memo stating that it only applies to 22 workplace communications?</p> <p>23 MR. JONES: Objection to the 24 form.</p>	<p style="text-align: right;">23</p> <p>1 THE WITNESS: But it says that on 2 the paragraph. So if you read that, 3 sir, you know clearly that it is when 4 on the Authority's premises, it's 5 clearly defined.</p> <p>6 BY MR. WEINSTEIN:</p> <p>7 Q. Did you say that in number 2?</p> <p>8 MR. JONES: Objection to form.</p> <p>9 THE WITNESS: It is defined in 10 the first paragraph. I don't have to 11 write in each time if it's already 12 cleared defined on the first 13 sentence.</p> <p>14 BY MR. WEINSTEIN:</p> <p>15 Q. Did Mr. Downey suggest to you that 16 you include within the Authority's premises for 17 number 1 and number 6?</p> <p>18 MR. JONES: Objection to the 19 form.</p> <p>20 THE WITNESS: As I clearly 21 mentioned that I wrote the memo and I 22 send Mr. Downey to review it. He 23 reviewed it and he approved it and 24 sent it back to me.</p>
<p style="text-align: right;">22</p> <p>1 THE WITNESS: It is. It's 2 clearly written in the paragraph that 3 the time within the Authority's 4 premises. You can read it very 5 clearly. The Authority -- it is 6 responsibility of Authority to 7 provide a safe harassment-free and 8 nonhostile work environment to all 9 its employees at all the times within 10 the Authority's premises, premises.</p> <p>11 BY MR. WEINSTEIN:</p> <p>12 Q. When you look at number 1, that first 13 directive, does it say anywhere that it is 14 confined to Authority premises?</p> <p>15 MR. JONES: Objection to the 16 form.</p> <p>17 THE WITNESS: It is clearly 18 indicated, I mention on the top 19 paragraph. It's dealing with the 20 Authority's premises, employees 21 within the Authority's premises.</p> <p>22 BY MR. WEINSTEIN:</p> <p>23 Q. Does it say that in number 1?</p> <p>24 MR. JONES: Objection to form.</p>	<p style="text-align: right;">24</p> <p>1 BY MR. WEINSTEIN:</p> <p>2 Q. Now, at some point there was a 3 grievance meeting about this memo, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And you were there for that?</p> <p>6 A. Yes.</p> <p>7 Q. And who else was there for that?</p> <p>8 A. There -- I have to go back and look 9 at the minutes of the meeting, but as I recall, 10 Mr. Downey was there, myself, Ms. Colleen Dunn, 11 Mike Andrews, Mr. Anthony Pipito, his union 12 rep, Ron, also his union representative, Paul 13 Butler. That's all I recall.</p> <p>14 Q. Did you make any notations after that 15 meeting or during that meeting about what was 16 said?</p> <p>17 A. No, I had asked Colleen to make the 18 notes. She made the notes.</p> <p>19 Q. And did you ever see those notes?</p> <p>20 A. Yeah, it's there, actually, in this 21 -- she type it up and then give it to me.</p> <p>22 Q. You saw those notes?</p> <p>23 A. Yes.</p> <p>24 Q. And at any point in that grievance</p>

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<p style="text-align: right;">25</p> <p>1 meeting did you tell Mr. Pipito that the 2 restrictions in 1 through 6 only apply to the 3 Authority premises?</p> <p>4 A. That discussion -- there was a lot of 5 discussions going on in that meeting but it was 6 clearly understood that it applies only 7 within the Authority's premises.</p> <p>8 Q. My question to you was, at any time 9 in that meeting did you make it clear to 10 Mr. Pipito that number 1 through 6, those 11 restrictions, only apply to communications on 12 the Authority premises?</p> <p>13 MR. JONES: Objection to form. 14 Asked and answered.</p> <p>15 THE WITNESS: I don't recall 16 asking any questions on that, so if 17 he didn't ask the questions or union 18 didn't ask the questions, then 19 probably I didn't respond. I 20 thought it was understood clearly 21 from the memo.</p> <p>22 BY MR. WEINSTEIN:</p> <p>23 Q. Take a look at number 6, present any 24 WWTP personnel human resource concerns directly</p>	<p style="text-align: right;">27</p> <p>1 asked and answered. 2 THE WITNESS: You have to ask 3 him.</p> <p>4 BY MR. WEINSTEIN:</p> <p>5 Q. He's not here so I have got to ask 6 you.</p> <p>7 A. Okay.</p> <p>8 Q. Do you know whether he has any 9 background or training in the field of human 10 resources?</p> <p>11 MR. JONES: Objection to form. 12 If you understand.</p> <p>13 THE WITNESS: I don't understand 14 what he's trying to ask me, so I 15 don't understand your question.</p> <p>16 BY MR. WEINSTEIN:</p> <p>17 Q. If you look at number 6.</p> <p>18 A. I looked at.</p> <p>19 Q. You wrote present any WWTP personnel 20 human resource concerns --</p> <p>21 A. Yeah, that meant --</p> <p>22 MR. JONES: Hold on, let him 23 finish asking his question.</p> <p>24 BY MR. WEINSTEIN:</p>
<p style="text-align: right;">26</p> <p>1 to Michael Andrews, PE, WWTP manager. 2 Do you see that?</p> <p>3 A. Correct, yes.</p> <p>4 Q. Do you know whether Mike Andrews has 5 any background or training in human resources?</p> <p>6 MR. JONES: Objection to form. 7 THE WITNESS: I don't understand 8 what question is this. What that has 9 to do with human resources?</p> <p>10 MR. JONES: If you don't 11 understand his question, ask him to 12 rephrase it.</p> <p>13 THE WITNESS: I don't understand 14 your question, what you're trying to 15 ask.</p> <p>16 MR. JONES: This isn't a 17 discussion. He's going to ask the 18 question. Just tell him you don't 19 understand.</p> <p>20 BY MR. WEINSTEIN:</p> <p>21 Q. Do you know whether Michael Andrews 22 has any background or training in the area of 23 human resources?</p> <p>24 MR. JONES: Objection to form,</p>	<p style="text-align: right;">28</p> <p>1 Q. What do you mean by human resource 2 concerns?</p> <p>3 A. Now I understand. What I meant is 4 there by personnel issues, if you have any 5 personnel issues like vacations, sick times or 6 any issues that you need regarding the plant, 7 then you contact him because he is -- he is 8 immediate supervisor; he's the plant manager 9 for the wastewater plant.</p> <p>10 Q. Do you consider concerns of 11 discrimination to be a personnel concern?</p> <p>12 MR. JONES: Objection to form. 13 THE WITNESS: Say again. I don't 14 understand your questions.</p> <p>15 BY MR. WEINSTEIN:</p> <p>16 Q. Do you consider concerns of 17 discrimination to be a personnel concern?</p> <p>18 MR. JONES: Objection to form. 19 THE WITNESS: I don't understand 20 your questions, what you're trying to 21 ask me.</p> <p>22 BY MR. WEINSTEIN:</p> <p>23 Q. Do you know what a discrimination complaint is?</p>

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<p style="text-align: right;">29</p> <p>1 MR. JONES: Objection to form. 2 THE WITNESS: Yeah, 3 discrimination complaints, yeah, 4 discrimination complaint, yes. 5 BY MR. WEINSTEIN: 6 Q. And what's your understanding of what 7 a discrimination complaint is? 8 MR. JONES: Can you be clear 9 about discrimination with regard to 10 what? Because there are many 11 different types. 12 MR. WEINSTEIN: He said he 13 understood it, so that's why I want 14 to know. 15 THE WITNESS: I understand 16 discrimination but I don't know what 17 you're trying to ask me. I know the 18 word discrimination. 19 BY MR. WEINSTEIN: 20 Q. And you know what a discrimination 21 complaint is? 22 MR. JONES: Objection to form. 23 THE WITNESS: I don't understand 24 your question, so I don't know -- you</p>	<p style="text-align: right;">31</p> <p>1 Q. And did you ever tell Mr. Pipito what 2 you meant by that in number 6? 3 MR. JONES: Objection to form. 4 THE WITNESS: He didn't ask me so 5 there was no reason for me to tell 6 him. If he didn't ask me, how can I 7 tell him? 8 BY MR. WEINSTEIN: 9 Q. Do you know whether the operators who 10 do training with S2A Technologies or do their 11 education with S2A Technologies, do they have 12 the option of going elsewhere? 13 A. Yes. 14 Q. And if an employee was concerned that 15 they were being forced to use your wife's 16 company for education, if that employee 17 complained to the newspaper as opposed to going 18 to Michael Andrews, would that violate number 19 6? 20 MR. JONES: Objection to form. 21 THE WITNESS: No, he can go to 22 anywhere. 23 BY MR. WEINSTEIN: 24 Q. Did you ever make that clear to</p>
<p style="text-align: right;">30</p> <p>1 got to define what you mean by 2 discrimination, what you're trying to 3 ask discrimination there. 4 BY MR. WEINSTEIN: 5 Q. Would a report of racial 6 discrimination on the job, would you consider 7 that to be a personnel concern? 8 MR. JONES: Objection to form. 9 THE WITNESS: No, I wouldn't 10 consider that. 11 BY MR. WEINSTEIN: 12 Q. Would you consider a report of racial 13 discrimination to be a human resource concern? 14 MR. JONES: Objection to form. 15 THE WITNESS: That's different 16 issues. Like I defined you, what I 17 understand here by human resources 18 means any personal issues that you 19 have in the plant like sick times, 20 vacation times or anything to be 21 operation of the plant within the 22 plant, you know, that is what I meant 23 there by human resources. 24 BY MR. WEINSTEIN:</p>	<p style="text-align: right;">32</p> <p>1 Mr. Pipito or anybody else that they -- 2 A. Again, Mr. Weinstein -- 3 MR. JONES: Hold on. Let him 4 finish his question. 5 THE WITNESS: Sorry. 6 BY MR. WEINSTEIN: 7 Q. In your discussions with Mr. Pipito 8 about this July 26, 2018 memo, did you tell him 9 that he's still allowed to talk to the 10 newspapers? 11 A. Mr. Weinstein, Mr. Pipito have never 12 asked me any of these questions. If he would 13 have ask him, then I would have clarified. But 14 he never asked me any of these explanations of 15 what I mean. 16 Q. Let's take a look, let me show you, 17 it is seven pages of emails. 18 A. Okay. 19 Q. I'll identify them for the record 20 because I don't typically attach exhibits to 21 depositions. It's LBCJMA memo emails 1 through 22 7. Take a look, please, and tell me whether 23 you have 1 through 7. 24 A. Yeah, I do have 1 through 7.</p>

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<p style="text-align: right;">33</p> <p>1 Q. So let's start at Page 1. On Page 1 2 it's emails between you and Colleen Dunn?</p> <p>3 A. Correct.</p> <p>4 Q. And this was the day before the memo 5 was signed, correct?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Yes?</p> <p>8 A. Yes, that's what I see from this 9 email.</p> <p>10 Q. Actually, you wrote to her on July 11 24th, do you see the bottom of the first page?</p> <p>12 A. Oh, okay.</p> <p>13 Q. So you wrote to her, and, again, this 14 is on Page 1 of these emails, Colleen, here is 15 a draft copy for your review and editing. 16 Please free to add/delete. Thanks, Vijay. 17 Do you see that?</p> <p>18 A. Correct.</p> <p>19 Q. So that's the document you were 20 referring to that you prepared yourself?</p> <p>21 A. Yes.</p> <p>22 Q. And do you have a copy of that draft 23 or is that the exact same as the July 26th, 24 2018 memo that you signed?</p>	<p style="text-align: right;">35</p> <p>1 revised draft of the memo?</p> <p>2 A. It's possible but we did discuss. We 3 might have come back and, you know, discussed 4 the memo with me, uh-huh.</p> <p>5 Q. And where is the draft that --</p> <p>6 A. I don't have --</p> <p>7 MR. JONES: Let him finish his 8 question. I know you're trying to 9 anticipate where he's going.</p> <p>10 BY MR. WEINSTEIN:</p> <p>11 Q. You remember that she sent you back a 12 marked-up draft?</p> <p>13 A. I don't remember if she sent me 14 marked up but she send me email comments. I 15 don't remember. You know, I mean, I have to go 16 back and check. It's so many one year backs, 17 you know, almost like one year back.</p> <p>18 Q. It's less than a year back.</p> <p>19 A. Yeah, year back but so many emails 20 goes through.</p> <p>21 Q. Stop right there, please. Let me 22 just make sure I understand you. You don't 23 know whether you have a copy of that draft that 24 she sent back to you?</p>
<p style="text-align: right;">34</p> <p>1 A. Say it again. Can I hear your 2 question again, please?</p> <p>3 Q. Yes. You see on the first page of 4 these emails.</p> <p>5 A. Right.</p> <p>6 Q. That you attached a document to that 7 email with Colleen?</p> <p>8 A. Right, correct.</p> <p>9 Q. Do you know whether that email draft 10 that you sent to Colleen Dunn is the same as 11 the email that you signed on the 26th? 12 MR. JONES: The memo. 13 THE WITNESS: Yeah that's the 14 memo, yes.</p> <p>15 BY MR. WEINSTEIN:</p> <p>16 Q. Same thing?</p> <p>17 A. Yeah, I wrote it and I sent to her 18 for the proof, as you can see.</p> <p>19 Q. Now, she wrote here on July 25th, 20 Vijay, as you can see, I have a few 21 suggestions. My only other concern is a should 22 we add something pertaining to discipline. Can 23 we discuss today?</p> <p>24 So did she send you a draft back or</p>	<p style="text-align: right;">36</p> <p>1 A. No, I don't remember if I have a copy 2 of the draft.</p> <p>3 Q. And if you were going to look for it, 4 where would you look for it?</p> <p>5 A. I don't know.</p> <p>6 Q. You don't know where you would look 7 for it?</p> <p>8 A. Yeah, I don't know. Because the 9 email I sent the memo and she sent it back. If 10 she sent it back, then I just work on the same 11 memo because that's what I sent to proof. So 12 if there's anything, it would be the same memo 13 that you have in front of you.</p> <p>14 Q. And have you deleted any of your 15 emails since July 25th, 2018?</p> <p>16 MR. JONES: Objection to form. 17 THE WITNESS: I don't remember.</p> <p>18 BY MR. WEINSTEIN:</p> <p>19 Q. You don't remember?</p> <p>20 A. Yeah, because so many junk comes and 21 then, you know, I do delete when there's a lot 22 of junks, so I do delete it.</p> <p>23 MR. WEINSTEIN: I'm going ask on 24 the record that Counsel confer with</p>

<p style="text-align: right;">37</p> <p>1 Dr. Rajput and see if whatever was 2 sent back from Colleen Dunn to Dr. 3 Rajput on July 25th at 7:38 in the 4 morning be looked for.</p> <p>5 MR. JONES: Sure. Just for the 6 record, I don't see an attachment to 7 her email, but for simplicity sake, I 8 will go back and double check to see, 9 within the Authority's files, if 10 there are any other drafts of the 11 July 26th, 2018 memo that have not 12 been previously produced.</p> <p>13 MR. WEINSTEIN: Yes, and I ask 14 that Counsel confer with Colleen Dunn 15 before her deposition --</p> <p>16 MR. JONES: Sure.</p> <p>17 MR. WEINSTEIN: -- to see if she 18 has the independent or singular email 19 that she sent back to see if there 20 was an attachment.</p> <p>21 MR. JONES: Sure, and I have 22 previously conferred with Ms. Dunn as 23 far as whether she had any notes or 24 anything like that. I didn't</p>	<p style="text-align: right;">39</p> <p>1 the wastewater plant.</p> <p>2 Q. Phillip Smythe and Jennifer Smythe, 3 are they related?</p> <p>4 A. Yes.</p> <p>5 Q. How so?</p> <p>6 A. Husband and wife.</p> <p>7 Q. And did Jennifer Smythe respond to 8 you when you wrote, Jennifer, could you please 9 review it, on email number 3?</p> <p>10 A. I have to check, but generally, I 11 send her for the proofing, like, English, 12 English language or grammatical editing. She's 13 my secretary.</p> <p>14 Q. So you say you have to check?</p> <p>15 A. Yeah, if she sent me back anything on 16 that.</p> <p>17 MR. WEINSTEIN: I'd ask that 18 Counsel confirm with Dr. Rajput to 19 see if anything came back from 20 Jennifer Smythe.</p> <p>21 BY MR. WEINSTEIN:</p> <p>22 Q. Let's keep going. Number 4, 23 Thursday, July 26th, 2018, this is the day you 24 actually signed the memo, correct?</p>
<p style="text-align: right;">38</p> <p>1 specifically ask her about these 2 particular emails, but I will do 3 that.</p> <p>4 MR. WEINSTEIN: Thank you.</p> <p>5 BY MR. WEINSTEIN:</p> <p>6 Q. Let's keep going sir. Number 2, you 7 sent a draft of the memo to Michael Andrews, 8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. Did he ever get back to you with any 11 comments?</p> <p>12 A. No, I do not remember that he got back to me.</p> <p>13 Q. Let's go to number 3. On July 25th, 14 which was the day after you sent to it Dunn and 15 Andrews, you sent it to Jennifer Smythe and 16 Phillip Smythe.</p> <p>17 Who is Jennifer Smythe?</p> <p>18 A. She's my secretary at the sewer plant 19 office.</p> <p>20 Q. And Phillip Smythe?</p> <p>21 A. He is a field tech.</p> <p>22 Q. A field tech?</p> <p>23 A. Yeah, he's one of the supervisors at</p>	<p style="text-align: right;">40</p> <p>1 A. Correct.</p> <p>2 Q. So on that morning, you emailed Mr. 3 Downey, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And he is the solicitor of the 6 Authority, yes?</p> <p>7 A. Correct.</p> <p>8 Q. Prior to your email to Mr. Downey at 9 10:24 in the morning, had you discussed with 10 him the fact that you were preparing the memo?</p> <p>11 A. He was aware that, you know, I'm 12 preparing the memo.</p> <p>13 Q. When did you first tell him about it 14 or when did he first find out, if you know?</p> <p>15 A. I don't know exactly, but it was 16 presented to all the complaints that I see. 17 Generally, I discuss at the board meeting, and 18 then at the board meeting, it was discussed 19 that, you know, I need to address this, prepare 20 the memo and it has to be reviewed by 21 Mr. Downey, he's being solicitor, before I send 22 it out.</p> <p>23 Q. Before you issued this July 26th, 24 2018 memo to Mr. Pipito, you reviewed with it</p>

<p style="text-align: right;">41</p> <p>1 the board?</p> <p>2 A. No, I didn't review the memo, but I 3 presented at executive session to the board 4 that the complaint filed against Mr. Pipito, 5 harassment and all those charges, and at that 6 point it was discussed, you know, like, 7 basically, that we need to address these 8 complaints.</p> <p>9 MR. JONES: I want to object just 10 to the extent that he can disclose 11 communications regarding the 12 preparation and approval of the memo. 13 Anything else that was discussed in 14 the executive session with counsel 15 present, I'd ask you not to inform 16 Counsel. We're maintaining that as 17 privileged.</p> <p>18 MR. WEINSTEIN: Right. What I'd 19 ask that if Counsel would confer with 20 the Authority to see if there are any 21 minutes or notes from that executive 22 session that simply pertain to the 23 memo. Obviously, things beyond that, 24 we agreed are privileged.</p>	<p style="text-align: right;">43</p> <p>1 A. Correct.</p> <p>2 Q. And then four minutes later, he wrote 3 back to you?</p> <p>4 A. Yes, that's what you can see from the 5 email.</p> <p>6 Q. Pretty prompt?</p> <p>7 A. He is prompt.</p> <p>8 MR. JONES: Objection to form.</p> <p>9 BY MR. WEINSTEIN:</p> <p>10 Q. And in those four minutes, you didn't 11 have any discussions with Mr. Downey?</p> <p>12 A. Not that I recall.</p> <p>13 Q. If you go to the number 6, Page email 14 6, LBCJMA memo email 006, that's a string with 15 Mr. Downey, August 30th, 2018.</p> <p>16 A. Yes, I see that.</p> <p>17 Q. And this pertained to the grievance 18 meeting that was coming up?</p> <p>19 A. That's right, yes.</p> <p>20 MR. JONES: I'm going to object 21 to the extent this might have been 22 inadvertently included, because I had 23 asked my client to provide with us 24 communications that were pertaining</p>
<p style="text-align: right;">42</p> <p>1 BY MR. WEINSTEIN:</p> <p>2 Q. How many times was the issue of the 3 memo brought up in executive session prior to 4 it being issued?</p> <p>5 A. The board was not presented with the 6 memo. The board didn't see the memo.</p> <p>7 Q. I understand that. But the issue of 8 preparing a memo to address what was being 9 reported to you?</p> <p>10 A. As I can remember, one time.</p> <p>11 Q. Compared to July 26, when would that 12 have been?</p> <p>13 A. I don't recall. It might have been 14 previous meeting.</p> <p>15 Q. When does the Authority board 16 typically meet?</p> <p>17 A. Generally, fourth Thursday of each 18 month, generally, unless there's a change.</p> <p>19 Q. Let's go back to those emails, Page 4 20 dated July 26, 2018. Do you see that?</p> <p>21 A. Correct, yes.</p> <p>22 Q. So then you then on July 26 at 10:24 23 a.m. sent a draft of the harassment memo to 24 Mr. Downey?</p>	<p style="text-align: right;">44</p> <p>1 to the memo. So we're not waiving 2 any privileged communications 3 regarding the union grievance meeting 4 that was held on September 6th to the 5 extent it doesn't relate specifically 6 to the memo.</p> <p>7 BY MR. WEINSTEIN:</p> <p>8 Q. So the grievance meeting was 9 September 6th, 2018?</p> <p>10 A. I have to check the date. I don't 11 remember offhand.</p> <p>12 Q. Sir, as the managing director, do you 13 prepare and file a statement of financial 14 interest every year?</p> <p>15 A. Yes.</p> <p>16 Q. And where does that get filed at?</p> <p>17 A. At the Authority office.</p> <p>18 Q. And have you ever reported on any of 19 those statements of financial interests any of 20 your wife's company's income from the 21 Authority?</p> <p>22 A. I report that I work as instructor, 23 but I don't report the money in that sense, 24 because I don't get any money from the S2A. So</p>

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1 I report that, yes, I do provide instructor or
2 consulting services to S2A.

3 Q. Do you report the payments to your
4 wife's company on that statement of financial
5 interest?

6 MR. JONES: Objection to form.

7 THE WITNESS: There are no column
8 for reporting. I do report that I
9 provide -- I provide the services to
10 S2A Technology.

11 BY MR. WEINSTEIN:

12 Q. I understand that you report on there
13 that you do consulting for S2A Technologies.

14 A. Correct.

15 Q. I understand that, and I understand
16 that you don't get paid from S2A Technologies,
17 right?

18 A. Right.

19 Q. My question is a little different.

20 My question is, do you report on there the
21 money that the S2A Technologies gets from the
22 Authority?

23 MR. JONES: Objection to form.

24 THE WITNESS: There's no column

[REDACTED]

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1 there to report. It's not my
2 company.

[REDACTED]

8 BY MR. WEINSTEIN:

12 A. Yes.

13 Q. Let me show you the next set of
14 papers. This is a set of four pages stamped
15 LBCJMA 839, 840, 841, 842. Do you have four
16 papers in front of you?

17 A. Yes, sir.

18 Q. Let's deal with the first page,
19 LBCJMA 839. Did you prepare this memo?

20 A. Yes, I did.

21 Q. Did you type it yourself?

22 A. Yes.

23 Q. Were there any prior drafts from the
24 one that is presently in front of us as 839?

<p style="text-align: right;">49</p> <p>1 A. No, I generally use the computer. 2 You know, I might have a note when I prepare 3 originally but I discard the note once I put it 4 in the computer.</p> <p>5 Q. Same questions for the next page, 6 840, you typed this up yourself?</p> <p>7 A. Yes.</p> <p>8 Q. And did you type it up on or about 9 June 16th, 2018?</p> <p>10 A. Yeah, most likely.</p> <p>11 Q. No prior drafts?</p> <p>12 A. No. I might have handwritten notes, 13 you know, like before I put it in my computer. 14 Once I put it in computer, then I don't keep 15 those handwritten. That way I have it correct 16 in my computer.</p> <p>17 Q. Let's go to the next page, 841.</p> <p>18 A. (Witness complies with request.)</p> <p>19 Q. July 17th, 2018, you made this note?</p> <p>20 A. Yes, sir.</p> <p>21 Q. You wrote in the second sentence 22 there, I told Lenny the Authority is in the 23 process of addressing the issue and consulting 24 with the Authority's solicitor.</p>	<p style="text-align: right;">51</p> <p>1 consulting with the Authority's solicitor?</p> <p>2 A. Yeah.</p> <p>3 Q. My question to you is, what kind of 4 consultation was already underway as of July 5 17th, 2018?</p> <p>6 MR. JONES: Objection to form.</p> <p>7 THE WITNESS: That's not what it 8 meant. Process means that we are 9 going to discuss with Mr. Downey, so 10 there's no ongoing process. I just 11 addressing to Mr. Lenny. It's not 12 like a memo. It's a note that I keep 13 it that Lenny called me on this date 14 and asked me what the Authority is 15 doing regarding his complaint, and I 16 responded to him that we -- I have to 17 consult with Mr. Downey and, you 18 know, address it.</p> <p>19 BY MR. WEINSTEIN:</p> <p>20 Q. You're saying as of July 17th, you 21 had not yet consulted with the Authority's 22 solicitor regarding Pipito issues?</p> <p>23 MR. JONES: Objection to form.</p> <p>24 THE WITNESS: As to how to</p>
<p style="text-align: right;">50</p> <p>1 A. Correct.</p> <p>2 Q. So we have already talked about the 3 July 24th, 25th, 26th emails.</p> <p>4 A. Uh-huh.</p> <p>5 Q. So I'm not going to go back into 6 those. But were there any emails that you 7 exchanged around July 17th or before with 8 Mr. Downey?</p> <p>9 A. I do not recall sending him any email 10 in that regard.</p> <p>11 Q. So what did you mean that the 12 Authority is consulting the Authority's 13 solicitor regarding the Pipito issues, as 14 you've described it?</p> <p>15 A. I think that's self-explanatory. 16 Because he called me and he wanted to know what 17 is happening to his complaint that he's filed, 18 what the Authority is addressing -- how the 19 Authority is addressing. So I told him it is 20 kind of a legal issues in this and I need to 21 consult with Mr. Downey and, you know, go from 22 there.</p> <p>23 Q. It says in the memo that you wrote 24 that the Authority was in the process of</p>	<p style="text-align: right;">52</p> <p>1 address it.</p> <p>2 BY MR. WEINSTEIN:</p> <p>3 Q. As to how to address it.</p> <p>4 MR. JONES: Did you understand 5 his question.</p> <p>6 THE WITNESS: I don't know, I 7 don't know what he's trying to ask 8 me.</p> <p>9 MR. JONES: Can you restate your 10 question?</p> <p>11 BY MR. WEINSTEIN:</p> <p>12 Q. As of July 17th, 2018, you had not 13 yet consulted with Mr. Downey about the Pipito 14 complaints?</p> <p>15 MR. JONES: Objection to form.</p> <p>16 THE WITNESS: Yeah, I -- I might 17 have talked to him, you know, like, 18 during the process but not about the 19 memo itself. I don't recall talking 20 to him about the memo. I might have 21 discussed with him or let him know 22 that there's a complaint from -- you 23 know, this complaint.</p> <p>24 BY MR. WEINSTEIN:</p>

1 Q. Got it. And the next page, 842, 2 March 30th, 2019, so that was two months ago? 3 A. Right. 4 Q. You wrote here, on Saturday, March 5 30th, 2019, Lenny Rodak called me and informed 6 me that Walt Appleton is very disturbed, offset 7 and worried because Anthony Pipito came in on 8 overtime to work with him, on his (Walt's) 9 shift. 10 Do you work on Saturdays? 11 A. I'm 24 hour call so I'm at home. 12 Q. So you called you at home on a 13 Saturday? 14 A. Yeah, my cell phone. I have a phone. 15 Q. Rodak called you on a Saturday about 16 Appleton's complaint? 17 A. Yes. 18 Q. And the complaint was that Pipito 19 came in and worked overtime? 20 MR. JONES: Objection to the 21 form. 22 BY MR. WEINSTEIN: 23 Q. With Appleton? 24 A. That's what it clearly says in my	53	1 THE WITNESS: I agree, yes, he is 2 entitled to work overtime. 3 R. WEINSTEIN: Give me two 4 minutes. Then we'll be done. 5 * * * 6 (Whereupon, a brief recess was 7 held at this time.) 8 * * * 9 MR. WEINSTEIN: I have no further 10 questions of the witness. He is free 11 to go. 12 * * * 13 (Witness excused.) 14 * * * 15 (Deposition concluded at 16 12:35 p.m.) 17 * * *	55
1 notes. I kept a note. I want to clarify this 2 is not a memo. These are my notes when 3 somebody calls or something that, you know, I 4 wrote it down. 5 Q. So you would agree with me that 6 there's nothing wrong with Pipito working 7 overtime? 8 MR. JONES: Objection to form. 9 THE WITNESS: I am not agreeing 10 with you. What do you want me to 11 answer? What is your question? 12 BY MR. WEINSTEIN: 13 Q. Would you agree with me -- 14 A. No, I don't agree. 15 Q. Let me finish the question. I 16 realize you may habitually not want to agree 17 with me, but let me this question. 18 A. Nothing to do with habitual. 19 MR. JONES: Let him ask. 20 BY MR. WEINSTEIN: 21 Q. Would you agree with me that Mr. 22 Pipito is entitled to work overtime like any 23 other operator? 24 MR. JONES: Objection to form.	54	1 * * * 2 C E R T I F I C A T I O N 3 * * * 4 5 I, Hope Agosto, Professional Court 6 Reporter and Notary Public for the Commonwealth 7 of Pennsylvania, do hereby certify the 8 foregoing to be a true and accurate transcript 9 of my original stenographic notes taken at the 10 time and place hereinbefore set forth. 11 12 13 14 15 _____ 16 Hope Agosto 17 Court Reporter 18 19 20 (The foregoing certification of this 21 transcript does not apply to any reproduction 22 of the same by any means, unless under direct 23 control and/or supervision of the certifying 24 reporter.)	56

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1 Pipito v. LBCJMA, et al.

2 May 29, 2019 Hope Agosto, PCR

3 ACKNOWLEDGEMENT OF DEPONENT

4

5 I, VIJAY SINGH RAJPUT, Ph.D., P.E., do
6 hereby certify that I have read the foregoing
7 pages and that the same is a correct
8 transcription of the answers given by me to the
9 questions therein propounded, except for the
10 corrections or changes in form or substance,
11 if any, noted in the attached errata sheet.

12

13

14 VIJAY S. RAJPUT, Ph.D., P.E. DATE

15 ERRATA SHEET

16 PAGE LINE CHANGE

17 _____

18 REASON _____

19 _____

20 REASON _____

21 _____

22 REASON _____

23 _____

24 REASON _____